

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

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4 WEALTHY INC. and DALE BUCZKOWSKI,

Case No. 2:21-cv-01173-JCM-EJY

5 Plaintiffs,

6 v.

7 SPENCER CORNELIA, CORNELIA MEDIA LLC,
8 and CORNELIA EDUCATION LLC,

9 Defendants.

ORDER

10 WEALTHY INC. and DALE BUCZKOWSKI,

11 Plaintiffs,
12 v.

13 JOHN MULVEHILL, JOHN ANTHONY
14 LIFESTYLE, LLC, and OPTIMIZED LIFESTYLE
15 LLC,
16 Defendants.

17 Before the Court is Defendants John Mulvehill and John Anthony Lifestyle, LLC's Motion
18 to File Without Redactions Exhibits 5, 6, and 7 (ECF No. 115), which Exhibits were filed in support
19 of their Motion to Dismiss the First Amended Complaint for Lack of Subject Matter Jurisdiction or,
in the alternative, for Improper Venue. ECF No. 112.

20 As the parties seeking to seal a judicial record, Defendants must meet their burden of
21 overcoming the strong presumption in favor of access and public policies favoring disclosure.
22 *Kamakana v. City and Cnty. of Honolulu*, 447 F.3d 1172, 1178-79 (9th Cir. 2006) (holding that those
23 who seek to maintain the secrecy of documents attached to dispositive motions must meet the high
24 threshold of showing that "compelling reasons" support secrecy). The mere fact that the production
25 of records may lead to a party's embarrassment, incrimination, or exposure to further litigation will
26 not alone compel the court to seal its records. *Foltz v. State Farm Mut. Auto. Ins. Co.*, 331 F.3d
27 1122, 1136 (9th Cir. 2003). Further, parties "may not simply rely on [a] ... Stipulated Protective
28 Order ... to justify sealing documents filed in the record under seal." *Heath v. Tristar Products*,

1 *Inc.*, Case No. 2:17-cv-02869-GMN-PAL, 2019 WL 12311995, at *1 (D. Nev. Apr. 17, 2019) *citing*
 2 *Foltz v. State Farm Mut. Auto. Ins. Co.*, 331 F.3d 1122, 1133 (9th Cir. 2003) (reliance on a blanket
 3 protective order, without more, will not make a showing of good cause); *Beckman Indus., Inc. v.*
 4 *Int'l Ins. Co.*, 966 F.2d 470, 475-76 (9th Cir. 1992) (blanket stipulated protective orders are over
 5 inclusive by nature and do not include a finding of “good cause”).

6 The Court considered Defendants’ Motion at ECF No. 115, and the exhibits sought to be
 7 sealed. While the Court finds Exhibits 5 and 7 contain personal identification information that is not
 8 properly disclosed to the public, the Court’s review of Exhibit 6 demonstrates it is not confidential.
 9 Exhibit 6 refers to a confidential document, but does not include the confidential document as part
 10 of the Exhibit. Further, a review of ECF No. 112, which is the Motion to Dismiss, and Exhibit 6 as
 11 originally offered in support of that Motion (found at ECF No. 109-6), shows that the only thing
 12 redacted from Exhibit 6 is a Bates number. The document to which the Bates number refers is not
 13 part of the originally filed document. Therefore, the Court finds there is nothing about Exhibit 6 that
 14 is confidential or that discloses confidential information.

15 Accordingly, IT IS HEREBY ORDERED that Defendants’ John Mulvehill and John
 16 Anthony Lifestyle, LLC’s Motion to File Without Redactions Exhibits 5, 6, and 7 (ECF No. 115) is
 17 GRANTED in part and DENIED in part.

18 IT IS FURTHER ORDERED that Exhibits 5 and 7 attached to ECF No. 115, offered in
 19 support of Defendants’ Motion to Dismiss, are and will remain sealed.

20 IT IS FURTHER ORDERED that Exhibit 6 attached to ECF No. 115, offered in support of
 21 Defendants’ Motion to Dismiss (ECF No. 112, found at 109-6), shall be unsealed.

22 IT IS FURTHER ORDERED that Defendants’ John Mulvehill and John Anthony Lifestyle,
 23 LLC’s Motion to File Without Redactions Exhibits 5, 6, and 7, ECF No. 111, is DENIED as moot.

24 Dated this 23rd day of December, 2022.

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 26 
 27 ELAYNA J. YOUCAH
 28 UNITED STATES MAGISTRATE JUDGE